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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/491,949

01/26/2000

Salim G Kara

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02/14/2006

DALLAS OFFICE OF FULBRIGHT & JAWORSKI L.L.P.
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EXAMINER

BASS, JON M

ART UNIT

PAPER NUMBER

3639

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/491,949

Applicant(s)

KARA SALIM G

Examiner

Jon Bass

Art Unit

3639

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: 7 and 11-16.
Claim(s) rejected: 1-6, 8-10 and 17-19.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER

Response to Amendment

1. This is in response to the amendment filed on August 17, 2005 for patent letter filed on February 14, 2003. In the amendment, claims 1-19 are pending in this application. Claim 7 has been amended in this pending application.

Response to Arguments

2. Applicants arguments filed on August 17, 2005 have been fully considered but they are not persuasive.

3. In regard to the 35 U.S.C. 112 rejection of claim 7, applicant has corrected the error in a previous Office Action dated August 17, 2005, therefore the 35 U.S.C. 112 rejection has been withdrawn.

4. Applicant argues that claim 7 is allowable due to an improper 35 U.S.C. 112 rejection. However, The Examiner respectfully disagrees with the applicant. The Examiner notes that claim 7 stands objected to as depending from a rejected base claim.

5. In Regard to Claims 11-16, claims 11-16 are objected to due to the dependency of a rejected claim.

6. In Regard to Independent Claim1, the applicant argues that the prior art, Block (6,010,156) fails to teaches "substantially simultaneously print a plurality of postage meter stamps on said sheet". The Examiner respectfully disagrees with the applicant's characterization of the inventive concept. Block teaches in Figure 3A, page 4, lines 58-67, displays several labels (which contain recipient address, postage indicia, and a return address are located adjacent to each other) being printed which reveals that printing is occurring simultaneously. During printing several labels are printed with the information that is needed for delivery of the item. Within Figure 3A located on page 4, lines 58-67, each label has its own characteristics of data being printed on the label which demonstrate that printing of data is happening simultaneously.

7. Applicant argues that a prior art fails to teach the inventive concept because pertaining to a 102 reference, it must teach every element of the claimed invention. The examiner respectfully agrees with this notion stated by the applicant. The applicant further explains that the prior art fails to teach, "substantially simultaneously print a plurality of postage meter stamps on said sheet". The examiner respectfully disagrees with the applicant's characteristics of the inventive step for the following reasons. Block discloses a processor that has an application program, which has capabilities of postage printing, located in Figure 2. This principal element includes a computer interfaced to a postal scale/ meter and a printer located in column 3, lines 46-53. In regard to printing, Block's system discloses that the "strip is adapted for use with a computer driven printer capable of printing postage indicium and other related data, {abstract}. Block further discloses in the abstract that a postage meter is provided for preparing mailing labels. It is noted that a postage meter has the responsibility to print postage on a sheet. Therefore the rejections remain due the rejections stated above and due to the Office Action. In addition all, dependent claims are subject to the same rejection due to the reasons stated above.

8. The applicant argues that the prior art fails to teach "a date by which an item bearing said postage meter stamp must be posted". The examiner respectfully disagrees with generalization due to the reason stated above and the reason set forth in the Office Action. With regard to claim [3] three and [4] four, Block discloses, in column 4 lines 58-column 5, line5, that the field of labels is unitary segment containing data relating to the item to be mailed, which is separated. He further mentions that the field includes postal class, instruction, address label, postage indicium label, which has the date and state from which the mail item is mailed.

9. With regard to claims 9 and 10, the applicant argues that "a unique identification of postage storage, where the postage device is a serial number". In Figure 3A element 319, 321 and 317, Block discloses a bar-code, which is widely used as a unique identifier because it hold all related information, such as destination, recipient, and locations. One skilled in the art at the time of the invention would recognize that bar-code can be used in place of a serial number because it has the functionality of a postage metering device, as known as the serial number.

10. For all the reasons stated above and in the Office Action, the rejection that were made, remain because they were never overcome by the applicants characterization of the pending invention. Block's invention closely relates to the pending application for all the stated reasons and because it teaches and anticipates the notion of the pending invention.